

# Holland & Knight

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March 16, 2015

*Via Hand Delivery*

Board of Zoning Adjustment  
of the District of Columbia  
Attention Clifford Moy  
441 4th Street, NW, Suite 210S  
Washington, DC 20001

Re BZA Case No 18905 – Revised BZA Application Form and Hearing Fee  
1216-1226 9<sup>th</sup> Street, N W (Square 368, Lot 174)

Dear Members of the Board

On behalf of Jemal's 9<sup>th</sup> Street Gang of 3, LLC, the Applicant in the above-referenced case, enclosed please find a revised BZA Application Form 120 and a revised BZA Fee Calculator Form 126, as requested by the Board at its March 10, 2015 public hearing. The revised BZA form amends the relief for parking from a variance to special exception approval pursuant to Section 2120.6 of the Zoning Regulations. The fee in the amount of \$1,144.00 is the difference between the relief requested in the original application and the relief requested in the amended application.

Thank you for your considerate attention to this matter. Please do not hesitate to contact us if you have any questions or concerns.

Very truly yours,

HOLLAND & KNIGHT LLP

By: Leila M Jackson Batties  
Leila M Jackson Batties  
Jessica R Bloomfield

Enclosures



BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA



FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

Before completing this form, please review the instructions on the reverse side.  
Print or type all information unless otherwise indicated. All information must be completely filled out.

Pursuant to §3103 2 - Area/Use Variance and/or §3104 1 - Special Exception of Title 11 DCMR- Zoning Regulations,  
an application is hereby made, the details of which are as follows

Address(es)	Square	Lot No(s).	Zone District(s)	Type of Relief Being Sought	
				Area Variance Use Variance Special Exception	Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
1216-1226 9th Street N.W	0368	0174	C-2-A	Special Exception	§ 2120.6
				Area Variance	§ 771.2

Present use(s) of Property: Three vacant row structures

Proposed use(s) of Property: Commercial

Owner of Property: Jemal's 9th Street Gang of 3, LLC Telephone No: 202-638-6300

Address of Owner: 702 H Street, NW, Washington DC 20001

Single-Member Advisory Neighborhood Commission District(s): 2F06

Written paragraph specifically stating the "who, what, and where of the proposed action(s)" This will serve as the Public Hearing Notice.

Jemal's 9th Street Gang of 3, LLC seeks a variance from the FAR requirements of section 771.2 to permit a density of 2.04 FAR for commercial uses where a maximum density of 1.5 FAR is permitted for non-residential uses, and special exception relief from section 2120.6 to provide no off-street parking spaces where 21 are required in the C-2-A District at 1216-1226 9th Street NW.

EXPEDITED REVIEW REQUEST (if interested, please select the appropriate category)

I waive my right to a hearing, agree to the terms in Form 128 - Waiver of Hearing for Expedited Review, and hereby request that this case be placed on the Expedited Review Calendar, pursuant to §3118 2 (CHOOSE ONE)

- ☐ A park, playground, swimming pool, or athletic field pursuant to §209 1, or  
☐ An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Date: 3/16/15 Signature\*: Leila Batties

To be notified of hearing and decision (Owner or Authorized Agent\*):

Name: Leila Batties E-Mail: leila.batties@hklaw.com

Address: 800 17th Street, N W , #1100, Washington, DC 20006

Phone No(s): 202 419.2583 Fax No.: 202.955 5564

\* To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

FOR OFFICIAL USE ONLY

Exhibit No. 1

Case No. \_\_\_\_\_



# BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



## FORM 126 – BOARD OF ZONING ADJUSTMENT FEE CALCULATOR

Per §3180 of the Zoning Regulations, at the time of the filing of an application or an appeal with the Board of Zoning Adjustment, the applicant or appellant shall pay a filing fee in accordance the fee calculator below. In the case of an application combining two (2) or more actions, or for an application requesting consideration of more than one alternative, the fee shall be the total of the amounts for each action or alternative computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, or alternatives requested, the fee is three hundred and twenty-five dollars (\$325.00). A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use.

APPLICATION OR APPEAL TYPE:	FEE	UNIT	TOTAL
VARIANCE:			
Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040	1	\$1,040.00
TOTAL FOR VARIANCES:			\$1,040.00

SPECIAL EXCEPTION:			
Parking Lot/Garage/Accessory Parking (per space)	\$104	21	\$2,184.00
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560		
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%		
TOTAL FOR SPECIAL EXCEPTIONS:			\$2,184.00

APPEAL:			
NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		
TOTAL FOR APPEALS:			
GRAND TOTAL:			\$3,224.00

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Name: LENA JACKSON BATTLES

Signature: Lena Battles

Exhibit No. \_\_\_\_\_

Last Revised (10/18/10)

Case No. \_\_\_\_\_